

STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Robert S. Baska, M.D.

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Docket Nos. MPS 38-0501
MPS 39-0501

STIPULATION AND CONSENT ORDER

NOW COME Robert S. Baska, M.D., Respondent in the above-captioned matters, and the State of Vermont, by and through Attorney General William H. Sorrell, and agree and stipulate as follows:

alleges as follows:

1. Robert S. Baska, M.D. (Respondent) holds Vermont Medical License Number 042-0008460, issued on February 5, 1992. Respondent is a general surgeon holding privileges at Copley Hospital, Morrisville, Vermont.
2. Jurisdiction vests in the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§1353 & 1354 and 3 V.S.A. §§129, 129a, & 814(c).
3. The Vermont Board of Medical Practice opened two complaints against Respondent in May 2001, one filed by a patient of Respondent's and the other complaint based on information indicating that restrictions had been placed on Respondent's clinical privileges.
4. On May 25, 2001 the Board of Medical Practice opened another investigation of Respondent's practice following receipt of a letter dated May 9, 2001 from Warren K. West, President of Copley Hospital, advising, inter alia, that Respondent's clinical privileges had been restricted by the hospital and that Respondent's practice would be subject to further review. Respondent agreed by stipulation with the hospital to conditions restricting his

privileges as set forth in written agreements dated April 19, 2001, April 25, 2001, and May 7, 2001.

5. On July 31, 2001 Copley Hospital summarily suspended Respondent's medical staff membership and clinical privileges, citing the need to take immediate action to protect patients and reduce the likelihood of injury or damage to their health. Respondent has requested a hearing on the summary suspension action by the hospital, but as yet no date has been set for such a proceeding.

6. Respondent wishes to cooperate with the Board of Medical Practice with regard to its investigation of the above-captioned matters and recognizes the Board's obligation to act expeditiously to protect the public health, safety, and welfare.

7. No charges have been entered by the Board against Respondent. Thus, he enters no response here to any allegations that have been or may be raised regarding his care and treatment of patients. Respondent, with advice of counsel, has determined, knowingly and voluntarily, that it is now appropriate for him to agree to summary suspension of his license to practice medicine, subject to the terms set forth below, in light of the summary suspension of his privileges by Copley Hospital and recognition of the responsibility of the Vermont Board of Medical Practice to protect the health, safety, and welfare of the public and protect the integrity of the medical profession.

8. Respondent agrees that provisions of this document are intended to arrange for the orderly suspension, at this time, of his practice activities.

II.

9. Respondent acknowledges that he is voluntarily agreeing to this Stipulation and Consent Order. He agrees and understands that by executing this document he is

waiving the right, at this time, to be served with formal charges, to challenge the jurisdiction and continuing jurisdiction of the Board in these matters, to be presented with the evidence against him, to cross-examine adverse witnesses, and to offer evidence of his own to contest a motion for summary suspension by the State. 26 V.S.A. § 1356; 3 V.S.A. §§ 129, 809, & 814.

10. Respondent admits that his clinical privileges were summarily suspended by Copley Hospital on or about July 31, 2001. In that the Board has entered no charges against him at this time, he makes no other admission at this time with regard to any allegation. Thus, Respondent agrees that the Vermont Board of Medical Practice may adopt and enter Paragraphs 5, 6, and 10, as findings of fact in this matter. Respondent agrees that the Board may enter a finding and/or conclusion that such circumstances imperatively require emergency action to protect the public.

11. Based on the above, Respondent now voluntarily agrees, pending further proceedings before or order of the Board of Medical Practice, pursuant to 26 V.S.A. §§ 1361; 3 V.S.A. § 129, to: (a) cooperate fully with any further investigation of this matter by the Board of Medical Practice; (b) forthwith, take no new patients; (c) **cease and desist, forthwith, from any and all practice of medicine in the State of Vermont or elsewhere;** (d) promptly surrender his Vermont medical license (both wall certificate and wallet card) to the Board, pending further action of the Board; (e) accede to entry of an order by the Board of Medical Practice **summarily suspending Respondent's license to practice medicine.**

12. The parties agree that nothing contained herein shall limit the Board's authority to proceed, if deemed appropriate at a later date, pursuant to 26 V.S.A. §§ 1354, 1361; 3 V.S.A. § 129; and other relevant authorities. Respondent agrees that no promises have been made to him as to final disposition of this matter.

III.

13. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Respondent's licensing file, and may be reported to other licensing authorities. The parties agree that an order as to Summary Suspension of Respondent's license to practice medicine may be entered, subject to further proceedings or

Board order in this matter. Nothing herein is intended to limit Respondent's right at a later date to receive a specification of charges, pursue discovery, and present evidence or witnesses on his behalf and to require proof as to the allegations against him in a hearing before the Board.

14. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees to be bound by the terms and conditions of this Stipulation and Consent Order pending further proceedings before the Board of Medical Practice. Respondent agrees that the Board of Medical Practice shall retain jurisdiction to enforce the terms and conditions of this Stipulation and Consent Order. Respondent agrees that failure by him to abide by any of the terms and conditions of this Stipulation and Consent Order may constitute unprofessional conduct under 26 V.S.A. § 1354(25) and may subject Respondent to such disciplinary action as the Board may deem appropriate, following evidentiary proceedings.

15. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board of Medical Practice, the Board may enter an order **summarily suspending** Respondent Baska's license to practice medicine and may enter as findings that protection of the public health, safety, and welfare imperatively requires such emergency action, with such order of summary suspension to continue until further proceedings or order of the Board.

Dated at Montpelier, Vermont, this 10th day of August 10, 2001.

WILLIAM H. SORRELL
ATTORNEY GENERAL

by:

James S. Arisman
JAMES S. ARISMAN
Assistant Attorney General

Dated at Barr this 10 day of August 2001.

Robert S. Baska, M.D.
ROBERT S. BASKA, M.D.
Respondent

Dated at Barr this 10 day of August 2001.

Leighton Detora, Esq.
LEIGHTON DETORA, ESQ.
Counsel for Respondent

FOREGOING, AS TO SUMMARY SUSPENSION OF MEDICAL LICENSE
IN RE: ROBERT S. BASKA
APPROVED AND ORDERED, VERMONT BOARD OF MEDICAL PRACTICE

James S. Arisman
Robert S. Baska, M.D.
Margaret Hammon
Margaret Baskin
Robert S. Baska, M.D.
John Maguire

DATED: August 10, 2001

ENTERED AND EFFECTIVE: August 10, 2001